

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

<b>IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-md-02327 MDL 2327</b>
<b>THIS DOCUMENT RELATES TO:</b>  <b>Ethicon Wave 11</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**NOTICE OF ADOPTION OF PRIOR DAUBERT MOTION OF  
BENNY DEAN FREEMAN FOR ETHICON WAVE 11**

Comes now, the Plaintiffs, and hereby adopt and incorporate by reference the Daubert motion and memorandum filed in relation to Benny Dean Freeman as originally filed in Coloplast Civil Action Number 2:12-md-2387, Wave 5-7, Dkt. 2514 (motion), 2520 (memorandum in support); and the reply brief filed in Coloplast Wave 5-7, Dkt. 2551. Plaintiffs respectfully request that the Court exclude Benny Dean Freeman's testimony, for the reasons expressed in the Wave 5, 6 and 7 briefing. This notice applies to all Ethicon Wave 11 cases with a Coloplast product, as expressed in the attached Exhibit A.<sup>1</sup>

DATE: August 14, 2019

RESPECTFULLY SUBMITTED BY:

/s/ Riley L. Burnett, Jr.  
Riley L. Burnett, Jr.

---

<sup>1</sup> The Adoption and Incorporation is being filed for all Wave cases Plaintiff Steering Committee could identify as Coloplast failed to serve General Expert Reports on the Plaintiffs' Steering Committee and in the MDL. The Adoption and Incorporation is filed as to each Coloplast expert for each case as Coloplast has failed to provide the Plaintiffs' Steering Committee notification as to who the general experts are for any Wave cases or if there are any additional/new general experts. When asked for such information Coloplast counsel responded "We served designations in each case that identify the general cause experts for each case."

BURNETT LAW FIRM  
3737 Buffalo Speedway, 18th Floor  
Houston, Texas 77089  
RBurnett@rburnettlaw.com  
Telephone: (832) 413-4410

/s/ Robert Salim

Robert Salim  
SALIM-BEASLEY, LLC  
1901 Texas Street  
Natchitoches, LA  
robertsalim@cp-tel.net  
Telephone: (318) 352-5999

/s/ Mark Mueller

Mark Mueller  
MUELLER LAW PLLC  
404 W 7th Street  
Austin, TX 78701  
mark@muellerlaw.com  
Telephone: (512) 478-1236

**CERTIFICATE OF SERVICE**

I hereby certify on August 14, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of this to the CM/ECF participants registered to receive service in this MDL.

/s/ Karen H. Beyea-Schroeder

Karen H. Beyea-Schroeder  
BURNETT LAW FIRM  
3737 Buffalo Speedway, 18th Floor  
Houston, Texas 77089  
Karen.schroeder@rburnettlaw.com  
Telephone: (832) 413-4410